

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re K.S., a Person Coming
Under the Juvenile Court Law.

B293880
(Los Angeles County
Super. Ct. No. 18CCJP06521)

LOS ANGELES COUNTY
DEPARTMENT OF
CHILDREN AND FAMILY
SERVICES,

Plaintiff and Respondent,

v.

K.S.,

Appellant,

C.M.,

Defendant and Appellant.

APPEALS from jurisdictional and dispositional orders of the Superior Court of Los Angeles County, Michael E. Whitaker, Judge. Affirmed.

Karen J. Dodd, under appointment by the Court of Appeal, for Appellant K.S.

Mitchell Keiter, under appointment by the Court of Appeal, for Defendant and Appellant C.M.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Veronica Randazzo, Deputy County Counsel, for Plaintiff and Respondent.

The juvenile court found that 16-year-old K.S. suffered from mental problems including suicidal ideation and self-harming conduct. The juvenile court further found that mother C.M. was unwilling or unable to address K.S.'s emotional needs. The juvenile court expressly rejected mother and K.S.'s credibility when they testified at the jurisdictional hearing that K.S. no longer was at risk of harm. For its disposition, the juvenile court ordered informal supervision by the Department of Children and Family Services (DCFS).

On appeal, K.S. argues that the record lacks substantial evidence to support jurisdiction because, at the time of the jurisdictional hearing, there was no longer a substantial risk of harm. Mother argues that the court abused its discretion in requiring informal supervision largely for the same reason. Mother argues the juvenile court should have accepted mother's and K.S.'s testimony that they did not need further services.

This court may not reweigh the juvenile court's credibility determinations. (*In re S.C.* (2006) 138 Cal.App.4th 396, 415.) Once we consider the juvenile court's credibility determinations,

substantial evidence supported the juvenile court's jurisdictional order. Mother's challenges to disposition are unpersuasive because they require this court to reevaluate the juvenile court's credibility determinations. Accordingly, we affirm the juvenile court's jurisdictional and dispositional orders.

BACKGROUND

At the time DCFS instituted dependency proceedings in October 2018, K.S. was 16 years old. She had lived with mother for one year. Mother's husband, adult daughter, and grandchild also lived in the home. K.S. previously had lived with her father for two and a half years.¹ At the time of the dependency proceedings, K.S.'s father lived outside of California. The record suggests that mother and father were divorced, and a family law court granted mother physical custody of K.S.

DCFS had received two prior referrals concerning K.S., one of which was unfounded and the other inconclusive.

1. Petition

On October 10, 2018, DCFS filed a petition naming K.S. as falling within the jurisdiction of the juvenile court. As subsequently sustained, the petition alleged pursuant to Welfare and Institutions Code² section 300, subdivision (b)(1): K.S. "has mental and emotional problems including suicidal ideation and self-harming behavior. The child's mother . . . has demonstrated an unwillingness and inability to effectively

¹ Father was not a party to the petition and was non-offending.

² All statutory citations are to the Welfare and Institutions Code.

address the child's mental and emotional needs. The mother's unwillingness and inability to effectively address the child's mental and emotional needs endangers the child's physical health and safety and places the child at risk of serious physical harm, damage and danger."

Section 300, subdivision (b)(1) permits dependency jurisdiction when the "child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child The child shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the child from risk of suffering serious physical harm or illness."

2. DCFS reports

In August 2018, an unidentified person reported mother emotionally abused K.S., including calling her derogatory names such as "failure." According to the caller, K.S. had attempted suicide when she was nine years old and five additional times including as recently as two weeks before the call.³ The caller stated that she and mother "made a safety plan," consisting of mother calling 911 or taking K.S. to a hospital if K.S. planned another suicide attempt.

Social workers interviewed mother in August and October 2018. Mother reported that K.S. recently used marijuana. K.S. told mother that she smoked marijuana because she was depressed. Mother took the marijuana in K.S.'s

³ The caller reported that mother physically abused K.S., but K.S. indicated that physical abuse had stopped four years earlier and DCFS did not allege physical abuse in the petition.

possession and flushed it down the toilet. Mother was aware K.S. had used marijuana earlier that year. Mother denied that K.S. recently attempted to commit suicide but acknowledged that she had made an attempt when she was nine years old. Mother was unaware that K.S. cut herself, and a social worker believed mother was “uninvolved and uninterested.” In October 2018, mother stated that she wanted K.S. to receive appropriate services and wanted father to pay for them.

K.S. acknowledged that she smoked marijuana when she was sad. K.S. told a social worker that she was sad once or twice a month. But K.S. reported that she had not smoked marijuana in a long time.

K.S. told the social worker that in September 2018, she suffered stress from school and after school activities. She considered cutting herself, but did not. K.S. subsequently reported that when she and her boyfriend broke up, she cut herself. K.S. cut herself to stop focusing on her hurt feelings. A social worker observed six superficial cuts on K.S.’s thigh. K.S. reported that she did not talk to her mother because it would have made “her feel worse.” K.S. stated that she and mother “‘need counseling.’” In the year prior to the dependency petition, K.S. had seen a therapist twice.

K.S.’s therapist reported that in September 2018, mother continued to abuse K.S. emotionally. The therapist also reported that K.S. had suicidal ideations shortly before DCFS filed the dependency petition (in October 2018).

A social worker spoke with father in October 2018. Father was aware that K.S. cut herself when she lived with him.

On October 26, 2018, a therapist reported that K.S. had three therapy sessions focusing on reducing her depressive

symptoms and negative self-cognition. K.S.'s therapist's letter further provided as follows: "Therapist plans to continue engaging both patient and mother . . . in individual, collateral and family sessions in biweekly sessions in order to meet treatment goals."

DCFS reported that K.S. needed intensive mental health services.

3. Jurisdictional and dispositional hearing

Both mother and K.S. testified at the hearing held on November 8, 2018 (about a month after DCFS filed the petition). Mother believed K.S. had mental health issues and wanted K.S. to continue therapy. Mother described K.S.'s mental issues as "mostly a combination of family bonding . . . and the relationship between her dad and I." She denied contributing to her daughter's mental health issues. Mother, however, acknowledged calling K.S. derogatory names and testified she would change her behavior. Mother testified that she was committed to helping K.S. regardless of whether DCFS was involved.

K.S. testified that mother previously had a lack of understanding of K.S. K.S. testified she no longer smoked marijuana. K.S. testified she no longer cut herself. K.S. testified she did not have suicidal thoughts. She testified that she did not intend to kill herself when she cut herself. K.S. testified that therapy helped her. K.S. testified that she and mother were communicating better.

Following mother's and K.S.'s testimony, the juvenile court stated: "The Court is not finding mother and the minor child to be credible. The Court finds that both mother and the minor

child are minimizing the mental health issue with respect to [the] substantial risk that’s posed to the minor child.”

4. Juvenile court orders

On November 8, 2018, the juvenile court took jurisdiction over K.S., sustaining allegations under section 300, subdivision (b). The court ordered informal supervision pursuant to section 360, subdivision (b). Mother and K.S. timely appealed. The informal supervision order is tantamount to a dispositional order and is therefore appealable.⁴ (*In re Adam D.* (2010) 183 Cal.App.4th 1250, 1261.)

DISCUSSION

A. Substantial Evidence Supported the Juvenile Court’s Jurisdictional Order

K.S. argues that, at the time of the jurisdictional hearing, approximately two months after K.S. had cut herself to avoid her own hurt feelings, there was no risk of harm. According to K.S., K.S. no longer suffered from suicidal ideation; mother enrolled K.S. in therapeutic services; and mother had a plan to cope with any future suicide attempt.

“‘We review the trial court’s findings for substantial evidence. [Citation.] We do not reweigh the evidence, evaluate the credibility of witnesses, or resolve evidentiary conflicts. [Citation.] The judgment will be upheld if it is supported by

⁴ Under an informal supervision order, the juvenile court does not oversee the services. (*In re Adam D.* (2010) 183 Cal.App.4th 1250, 1259–1260.) Nevertheless, the true finding on jurisdiction remains, and DCFS may file a subsequent petition if informal supervision proves ineffective. (*Ibid.*)

substantial evidence, even though substantial evidence to the contrary also exists and the trial court might have reached a different result had it believed other evidence. [Citation.] [¶] Substantial evidence must be of ponderable legal significance. It is not synonymous with “any” evidence. [Citation.] The evidence must be reasonable in nature, credible, and of solid value. [Citation.] The appellant has the burden of showing there is no evidence of a sufficiently substantial nature to support the finding or order.’ ” (*In re Travis C.* (2017) 13 Cal.App.5th 1219, 1225.)

K.S. is correct insofar as she argues that the juvenile court was required to assess risk at the time of the jurisdictional hearing. (*In re Veronica G.* (2007) 157 Cal.App.4th 179, 185.) Although mother and K.S. testified that K.S. had improved, the juvenile court did not credit that testimony. Instead the juvenile court found that “both mother and the minor child are minimizing the mental health issue with respect to [the] substantial risk that’s posed to the minor child.” We do not reweigh the juvenile court’s credibility determinations. (*In re Travis C., supra*, 13 Cal.App.5th at p. 1225.)

Substantial evidence supported the juvenile court’s conclusion that a substantial risk of harm continued at the time of the jurisdictional hearing. The hearing occurred only two months after K.S. acknowledged engaging in self-destructive conduct. It was less than two months after K.S.’s therapist reported that mother continued to abuse K.S. emotionally. Although both mother and K.S. had participated in therapy, the therapist reported that additional sessions were necessary to meet treatment goals of reducing K.S.’s depressive symptoms and negative self-cognition. K.S.’s repeated self-destructive

behavior—occurring both when she lived with father and when she lived with mother—indicated a future risk beyond mere speculation. Moreover, mother’s lack of awareness and minimization of K.S.’s conduct and mother’s own role regarding K.S.’s mental health issues raised the level of risk to K.S.

B. Mother Demonstrates No Abuse of Discretion in the Juvenile Court’s Dispositional Order

Section 360, subdivision (b) permits a juvenile court to order informal supervision by a social worker. (§ 360, subd. (b); see also Cal. Rules of Court, rule 5.695(a)(2).) Informal supervision is a dispositional alternative to ordering a child a dependent of the juvenile court. (*In re Adam D.*, *supra*, Cal.App.4th at p. 1260.) The juvenile court has broad discretion to determine whether informal supervision under section 360, subdivision (b) is warranted. (*In re N.M.* (2011) 197 Cal.App.4th 159, 171.)

Mother argues that the juvenile court abused its discretion in ordering mother and K.S. under the supervision of the social worker pursuant to section 360, subdivision (b). K.S. joins in mother’s argument. According to mother, the court acted arbitrarily and capriciously when it rejected mother’s and K.S.’s credibility and instead concluded that they were minimizing the risk of harm K.S. faced.

Mother’s argument reflects a misunderstanding of this court’s role. As discussed above, we do not reassess the juvenile court’s credibility determinations. “[A]n appellate court does not reassess the credibility of witnesses or reweigh the evidence.” (*In re S.C.*, *supra*, 138 Cal.App.4th at p. 415.) “[I]t is not a proper appellate function to reassess the credibility of the witnesses.” (*People v. Friend* (2009) 47 Cal.4th 1, 41.)

The juvenile court acted within its discretion in ordering informal supervision. At the time the juvenile court entered its disposition, K.S. and mother had just begun therapy. K.S.'s therapist reported that ongoing therapy was necessary. The juvenile court acted within its discretion in concluding that informal supervision was necessary to ensure mother and K.S. continued to obtain the services K.S. needed.

Finally, mother's remaining arguments also ignore our standard of review. Mother cites *Linder v. Thrifty Oil Co.* (2000) 23 Cal.4th 429, 436. That case involved review of an order denying class certification. (*Id.* at p. 434.) It does not support the conclusion that an appellate court may reweigh a juvenile court's credibility determination. Additionally, the record does not support mother's characterization of the case as the juvenile court's rejection of her " 'tough love' " parenting style. Irrespective of mother's parenting style, the uncontested evidence showed that K.S. repeatedly engaged in self-harming conduct and that she repeatedly attempted suicide. Mother's argument that if K.S. "needed additional assistance," she would not have "testified to the contrary" is tantamount to requesting us to reweigh K.S. testimony. Mother's argument assumes that K.S. testified truthfully when she stated that she did not require additional therapy. Mother's assumption conflicts with the juvenile court's express finding that K.S. did not testify truthfully. Moreover, K.S.'s therapist indicated that K.S. required additional therapy. The juvenile court could have credited the therapist's testimony as well in ordering informal supervision.

DISPOSITION

The juvenile court's jurisdictional and dispositional orders are affirmed.

NOT TO BE PUBLISHED.

BENDIX, J.

We concur:

CHANEY, Acting P. J.

WEINGART, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.